

WEDNESDAY, MAY 14, 1986

NINETY-FIRST LEGISLATIVE DAY

Pursuant to Senate Joint Resolution No. 315, the House met at 12:00 o'clock noon and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Dr. Gerald Stow, Executive Director, Tennessee Baptist Children's Homes, guest of Mr. Speaker McWherter.

Representative Naifeh led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present . . . . . 94

Representatives present were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--94.

The Speaker announced that Representative Stafford was excused because of illness.

Mr. Naifeh moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 763 out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

House Joint Resolution No. 763--Relative to extending appreciation to Ned McWherter for service as Speaker--By Naifeh, Tanner, Stallings, Jared, Ivy, Crain, Dills, Kisber, Ridgeway, Collier, Scruggs, Bragg and Covington.

On motion, the rules were suspended for the immediate consideration of the resolution.

Mr. Naifeh moved that House Joint Resolution No. 763 be adopted, which motion prevailed by the following vote:

Ayes . . . . .	97
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensey, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

A motion to reconsider was tabled.

Mr. Naifeh moved that all members voting for adoption of the resolution be added as sponsors, which motion prevailed.

CALENDAR

On motion of Mr. Jones, House Bill No. 1316 was withdrawn from the House.

On motion of Mr. Kernell, House Bill No. 1422 was withdrawn from the House.

FURTHER CONSIDERATION OF HOUSE JOINT RESOLUTION NO. 250

House Joint Resolution No. 250--Relative to proposing a constitutional amendment, lottery prohibition.

Mr. Kernell moved that House Joint Resolution No. 250 be placed under "Unfinished Business."

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Mr. Clark (Sumner) objected to the motion.

Thereupon, the motion to move House Joint Resolution No. 250 to "Unfinished Business" failed by the following vote:

Ayes . . . . .	53
Noes . . . . .	35

Representatives voting aye were: Bell, Bivens, Buck, Burnett, Chiles, Clark (Davidson), Collier, Covington, Cross, Darnell, Davis (Cocke), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gafford, Gaia, Hassell, Hawkins, Henry, Hurley, Jared, Jones, Kernell, King, Kisber, Lawson, May, McCroskey, Miller, Moore, Murphy, Murray, Naifeh, Patterson, Peroulas, Pruitt, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Tanner, Turner (Hamilton), Turner, L. (Shelby), West, Wheeler, Williams, Winningham, Wix, Yelton and Mr. Speaker McWherter--53.

Representatives voting no were: Bewley, Bragg, Byrd, Clark (Sumner), Cobb, Copeland, Crain, Curlee, Davidson, Davis (Gibson), Garrett, Harrill, Hillis, Hobbs, Huskey, Ivy, Kent, McAfee, Montgomery, Moody, Nance, Napier, Rhinehart, Robinson (Hamilton), Shirley, Stallings, Swann, Tankersley, Turner, C. (Shelby), Ussery, Webb, Whitson, Wolfe, Wood and Work--35.

Mr. Kernell moved that House Joint Resolution No. 250 be held on the Clerks' Desk, which motion prevailed.

**INTRODUCTION OF RESOLUTIONS**

House Joint Resolution No. 767--Relative to commending Victoria Sternebring--By Tanner.

House Joint Resolution No. 768--Relative to commending Jo Ann Neely--By Henry.

House Joint Resolution No. 769--Relative to memory, Johnella H. Martin--By Bragg.

House Joint Resolution No. 770--Relative to memory, Robert T. Butler, Jr.--By Bragg.

House Joint Resolution No. 771--Relative to honoring Ralph N. Moore--By Scruggs.

House Joint Resolution No. 772--Relative to memory, "Mister Jim" Abel of Dayton--By Duer.

House Joint Resolution No. 773--Relative to congratulating Representative Bill Covington--By Clark (Davidson), Garrett, West, Murphy, Pruitt, Dixon, Ellis and Robinson (Davidson).

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House Joint Resolution No. 774--Relative to commending employees, House Clerk's Office and Sergeants-at-Arms--By McNally and Naifeh.

House Joint Resolution No. 775--Relative to commending employees, Legislative Services, Legislative Administration and Fiscal Review--By McNally and Naifeh.

House Joint Resolution No. 776--Relative to commending employees, Legal Services--By McNally and Naifeh.

House Joint Resolution No. 777--Relative honoring Mr. Frewl Buffaloe--By Crain.

House Joint Resolution No. 778--Relative to urging Congress to retain current forest related tax provision--By DePriest, Stallings, Burnett, Hillis, Yelton, Davis (Gibson), Ivy, Dills, Hobbs and Rhinehart.

House Resolution No. 185--Relative to honoring First Baptist Church, Dandridge--By Lawson,

House Resolution No. 186--Relative to honoring Beaver Creek Baptist Church--By Lawson.

House Resolution No. 187--Relative to honoring Clay Hendren--By McAfee.

House Resolution No. 188--Relative to commending employees, House of Representatives--By McNally and Naifeh.

House Resolution No. 189--Relative to recognizing Housing Officer, MTSU--By Bragg.

House Resolution No. 190--Relative to commending Representatives Ivy, Collier, and Ridgeway--By Burnett.

House Resolution No. 191--Relative to House Joint Resolution No. 757--By Darnell.

House Resolution No. 192--Relative to recognizing Brad McMillan --By Gaia.

House Resolution No. 193--Relative to congratulating Walter Clarence Flowers--By Ridgeway and Byrd.

House Resolution No. 194--Relative to commending Burnell W. Simmons--By Love.

Mr. Speaker McWherter directed that the following resolutions be placed on the Consent Calendar: House Joint Resolutions Nos. 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777 and 778; and House Resolutions Nos. 185, 186, 187, 188, 189, 190, 191, 192, 193 and 194.

**CONSENT CALENDAR**

House Joint Resolution No. 767--Relative to commending Victoria Sternebring.

House Joint Resolution No. 768--Relative to commending Jo Ann Neely.

House Joint Resolution No. 769--Relative to memory, Johnella H. Martin.

House Joint Resolution No. 770--Relative to memory, Robert T. Butler, Jr.

House Joint Resolution No. 771--Relative to honoring Ralph N. Moore.

House Joint Resolution No. 772--Relative to memory, "Mister Jim" Abel of Dayton.

House Joint Resolution No. 773--Relative to congratulating Representative Bill Covington.

House Joint Resolution No. 774--Relative to commending employees, House Clerk's Office and Sergeants-at-Arms.

House Joint Resolution No. 775--Relative to commending employees, Legislative Services, Legislative Administration and Fiscal Review.

House Joint Resolution No. 776--Relative to commending employees, Legal Services.

House Joint Resolution No. 777--Relative to honoring Mr. Frewl Buffaloe.

House Joint Resolution No. 778--Relative to urging Congress to retain current forest related tax provision.

House Resolution No. 185--Relative to honoring First Baptist Church, Dandridge.

House Resolution No. 186--Relative to honoring Beaver Creek Baptist Church.

House Resolution No. 187--Relative to honoring Clay Hendren.

House Resolution No. 188--Relative to commending employees, House of Representatives.

House Resolution No. 189--Relative to recognizing Housing Officer, MTSU.

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House Resolution No. 190--Relative to commending Representatives Ivy, Collier, and Ridgeway.

House Resolution No. 191--Relative to House Joint Resolution No. 757.

House Resolution No. 192--Relative to recognizing Brad McMillan.

House Resolution No. 193--Relative to congratulating Walter Clarence Flowers.

House Resolution No. 194--Relative to commending Burnell W. Simmons.

Mr. Naifeh moved that all House Resolutions and House Joint Resolutions on the Consent Calendar be adopted, which motion prevailed by the following vote:

Ayes . . . . .	92
Noes . . . . .	0
Present and not voting . . . . .	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Duer, Ellis, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--92.

Representative present and not voting was: Frensley--1.

A motion to reconsider was tabled.

MOTION TO RECALL

Mr. Robinson (Davidson) moved that pursuant to Rule No. 77, House Bill No. 2004 be recalled from the Committee on Judiciary, which motion failed by the following vote:

Ayes . . . . .	14
Noes . . . . .	64
Present and not voting . . . . .	12

Representatives voting aye were: Bell, Crain, Darnell, Frensley, Moore, Murray, Phillips, Robinson (Davidson), Shirley, Swann, Ussery,

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Winningham and Wix--14.

Representatives voting no were: Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Collier, Copeland, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Duer, Gafford, Gaia, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hurley, Huskey, Ivy, Jared, Jones, Kernell, King, Kisber, Lawson, May, McAfee, McCroskey, McNally, Montgomery, Moody, Murphy, Nance, Napier, Patterson, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Washington), Scruggs, Severance, Stallings, Tankersley, Turner (Hamilton), Turner, L. (Shelby), Webb, West, Whitson, Williams, Wolfe, Wood, Work and Mr. Speaker McWherter--64.

Representatives present and not voting were: Bragg, Covington, DeBerry, Ellis, Garrett, Hobbs, Kent, Miller, Naifeh, Robinson (Hamilton), Starnes and Tanner--12.

### MOTION TO RECALL

Mr. Jones moved that the rules be suspended for the purpose of recalling House Joint Resolution No. 547 from the Committee on State and Local Government, which motion failed by the following vote:

Ayes . . . . .	57
Noes . . . . .	26
Present and not voting . . . . .	2

Representatives voting aye were: Bell, Bivens, Bragg, Brewer, Burnett, Byrd, Clark (Davidson), Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Gibson), DeBerry, Dills, Dixon, Drew, Ellis, Gaia, Garrett, Hillis, Hobbs, Hurley, Ivy, Jared, Jones, King, Love, McNally, Miller, Moore, Murphy, Murray, Naifeh, Napier, Patterson, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Severance, Shirley, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Ussery, West, Williams, Winningham, Wix and Mr. Speaker McWherter--57.

Representatives voting no were: Bewley, Buck, Chiles, Davis (Cocke), Davis (Knox), Duer, Gill, Harrill, Hassell, Hawkins, Henry, Kent, May, McAfee, McCroskey, Montgomery, Moody, Pruitt, Robinson (Washington), Scruggs, Tankersley, Webb, Whitson, Wolfe, Wood and Work--26.

Representatives present and not voting were: Huskey and Lawson --2.

### NOTICE TO OVERRIDE ITEM VETO

MR. SPEAKER: In accordance with House Rule No. 78, we hereby give notice that at a later date we will move to repass Section 12, Item 43, of House Bill No. 1385, the Governor's objections to the contrary notwithstanding, as provided in Article III, Section 18 of

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the Constitution of Tennessee.

Pete Drew  
Harold Love

Mr. Drew moved that the override attempt be set as the last order of business today.

Mr. Clark (Sumner) objected to the motion.

Thereupon, Mr. Drew's motion failed by the following vote:

Ayes . . . . .	61
Noes . . . . .	28
Present and not voting . . . . .	2

Representatives voting aye were: Bell, Bivens, Bragg, Brewer, Burnett, Byrd, Clark (Davidson), Cobb, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Ellis, Gafford, Gaia, Garrett, Gill, Hillis, Ivy, Jared, Jones, Kernell, King, Kisber, May, McNally, Miller, Murphy, Murray, Naifeh, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Severance, Stallings, Starnes, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), West, Wheeler, Whitson, Williams, Winningham, Wolfe and Mr. Speaker McWherter--61.

Representatives voting no were: Bewley, Chiles, Clark (Sumner), Davis (Cocke), Duer, Frenslley, Harrill, Hassell, Hawkins, Henry, Hobbs, Hurley, Huskey, Kent, McAfee, McCroskey, Montgomery, Moody, Moore, Nance, Napier, Robinson (Washington), Scruggs, Swann, Tankersley, Ussery, Webb and Wood--28.

Representatives present and not voting were: Collier and Lawson--2.

**HOUSE JOINT RESOLUTION ON SENATE AMENDMENT**

House Joint Resolution No. 725--Relative to adoption, official State Motto.

**SENATE AMENDMENT NO. 2**

Amend House Joint Resolution No. 725 by changing the period at the end of the first resolving clause to a semicolon and by adding the following thereafter: "provided, however, that this resolution shall be of no further force and effect from and after January 1, 1987".

Mr. Robinson (Washington) moved that the House concur in Senate Amendment No. 2, which motion prevailed by the following vote:



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Ayes . . . . .	91
Noes . . . . .	0
Present and not voting . . . . .	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Scruggs, Severance, Shirley, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker McWherter--91.

Representative present and not voting was: Robinson (Hamilton)  
--1.

A motion to reconsider was tabled.

Mr. Starnes moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 328, which motion prevailed.

Senate Joint Resolution No. 328--Relative to report, Monitored Retrievable Storage.

Mr. Starnes moved that Senate Joint Resolution No. 328 be concurred in, which motion prevailed by the following vote:

Ayes . . . . .	90
Noes . . . . .	4

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--90.

Representatives voting no were: Henry, Kent, McNally and Scruggs--4.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No.:

365--Relative to study, foster care reimbursement; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

Mr. Starnes moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 365, which motion prevailed.

Senate Joint Resolution No. 365--Relative to study, foster care reimbursement.

Mr. Starnes moved that Senate Joint Resolution No. 365 be concurred in, which motion prevailed by the following vote:

Ayes . . . . .	94
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dills, Dixon, Drew, Duer, Frensey, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--94.

A motion to reconsider was tabled.

MOTION TO RECALL

Mr. Miller moved that pursuant to Rule No. 77, Senate Joint Resolution No. 274 be recalled from the Committee on State and Local Government for immediate consideration, which motion prevailed by the following vote:

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Ayes . . . . .	77
Noes . . . . .	1
Present and not voting . . . . .	2

Representatives voting aye were: Bell, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Harrill, Hassell, Hawkins, Henry, Hillis, Hurley, Huskey, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moore, Murphy, Murray, Naifeh, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Whitson, Williams, Winningham, Wolfe, Wood and Yelton--77.

Representative voting no was: Work--1.

Representatives present and not voting were: Patterson and Robinson (Hamilton)--2.

Senate Joint Resolution No. 274--Relative to study, telephone access, Knoxville.

Mr. Miller moved that Senate Joint Resolution No. 274 be concurred in, which motion prevailed by the following vote:

Ayes . . . . .	89
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Jared, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker McWherter--89.

A motion to reconsider was tabled.

## MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No.:

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379--Relative to thanking Senator James E. "Buzz" Elkins; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

Mr. McNally moved that the rules be suspended for immediate consideration of Senate Joint Resolution No. 379, which motion prevailed.

Senate Joint Resolution No. 379--Relative to thanking Senator James E. "Buzz" Elkins.

On motion of Mr. McNally, the resolution was concurred in.

A motion to reconsider was tabled.

Mr. Yelton moved that the rules be suspended for the purpose of considering House Joint Resolution No. 779 out of order, which motion prevailed by the following vote:

Ayes . . . . .	85
Noes . . . . .	4
Present and not voting . . . . .	1

Representatives voting aye were: Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Duer, Ellis, Gafford, Gaia, Garrett, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Jared, Jones, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Starnes, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--85.

Representatives voting no were: Chiles, Copeland, Swann and Tankersley--4.

Representative present and not voting was: Bragg--1.

## INTRODUCTION OF RESOLUTION

House Joint Resolution No. 779--Relative to urging Congress to restore funding, Cooperative Extension Service Programs By: Yelton, DePriest, Stallings, Ridgeway, Patterson, Hurley, Whitson, Hillis, Napier, Robinson (Washington), Robinson (Davidson), McCroskey, Collier, Ivy, Hawkins, Bivens, Hobbs, Cross, Dills, Huskey, Davis (Cocke), Robinson (Hamilton), Starnes, Turner (Hamilton), McAfee, Duer, Davis (Knox), Curlee and Montgomery.

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Mr. Yelton moved that House Joint Resolution No. 779 be adopted, which motion prevailed by the following vote:

Ayes . . . . .	88
Noes . . . . .	2
Present and not voting . . . . .	2

Representatives voting aye were: Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Starnes, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--88.

Representatives voting no were: Swann and Tankersley--2.

Representatives present and not voting were: Bragg and Cobb--2.

A motion to reconsider was tabled.

Mr. Darnell moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 780 out of order, which motion prevailed.

House Joint Resolution No. 780--Relative to House Joint Resolution No. 757--By Darnell.

On motion, the rules were suspended for the immediate consideration of the resolution.

Mr. Darnell moved that House Joint Resolution No. 780 be adopted, which motion prevailed by the following vote:

Ayes . . . . .	90
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson),

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Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--90.

A motion to reconsider was tabled.

**FURTHER CONSIDERATION OF HOUSE JOINT RESOLUTION NO. 250**

House Joint Resolution No. 250 - Relative to proposing Constitutional Amendment, lottery prohibition.

Mr. Brewer moved that House Joint Resolution No. 250 be adopted, which motion failed by the following vote:

Ayes . . . . .	46
Noes . . . . .	47
Present and not voting . . . . .	1

Representatives voting aye were: Bivens, Brewer, Burnett, Chiles, Clark (Davidson), Collier, Covington, Davis (Cocke), Davis (Knox), DeBerry, DePriest, Dixon, Ellis, Frensey, Gaia, Hassell, Jared, Jones, Kernell, King, Kisber, Lawson, Love, May, McCroskey, Miller, Moore, Murphy, Murray, Naifeh, Patterson, Peroulas, Phillips, Pruitt, Robinson (Washington), Scruggs, Severance, Starnes, Tanner, Turner (Hamilton), Turner, L. (Shelby), West, Williams, Winningham, Wix and Mr. Speaker McWherter--46.

Representatives voting no were: Bell, Bewley, Bragg, Buck, Byrd, Clark (Sumner), Copeland, Crain, Cross, Curlee, Darnell, Davidson, Davis (Gibson), Dills, Duer, Gafford, Garrett, Gill, Harrill, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, McAfee, McNally, Montgomery, Moody, Nance, Napier, Rhinehart, Ridgeway, Robinson (Hamilton), Shirley, Stallings, Swann, Tankersley, Turner, C. (Shelby), Ussery, Webb, Wheeler, Whitson, Wolfe, Wood and Work--47.

Representative present and not voting was: Yelton--1.

Under the rules, House Joint Resolution No. 250 was re-referred to the Committee on Calendar and Rules.

Mr. Winningham moved that the rules be suspended for the purpose of considering House Bill No. 2077 out of order, which motion prevailed.

House Bill No. 2077--To make certain provisions, Byrdstown.

Mr. Winningham moved that House Bill No. 2077 be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes . . . . .	96
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

A motion to reconsider was tabled.

Mr. Henry moved that House Bill No. 1394 be recalled from the committee on Finance, Ways and Means.

Mr. Ellis moved the previous question which motion prevailed by the following vote:

Ayes . . . . .	76
Noes . . . . .	3

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moore, Murphy, Murray, Naifeh, Patterson, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--76.

Representatives voting no were: Cobb, Lawson and Shirley--3.

Thereupon, Mr. Henry's motion to recall House Bill No. 1394 from the Committee on Finance, Ways and Means, pursuant to Rule No. 77, prevailed by the following vote:

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Ayes . . . . .	72
Noes . . . . .	15
Present and not voting . . . . .	2

Representatives voting aye were: Bell, Bewley, Bragg, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Collier, Covington, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Jared, Jones, Kent, Love, May, McCroskey, McNally, Montgomery, Moore, Murphy, Murray, Naifeh, Napier, Patterson, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood and Yelton--72.

Representatives voting no were: Bivens, Chiles, Cobb, Copeland, Cross, Darnell, Ivy, Kernell, Lawson, McAfee, Miller, Shirley, Stallings, Turner, C. (Shelby)--15.

Representatives present and not voting were: DeBerry and Robinson (Hamilton)--2.

Mr. Henry moved that the rules be suspended for immediate consideration of House Bill No. 1394, which motion prevailed.

House Bill No. 1394--To amend Title 9, Chapter 6, Part 2, Code.

On motion, House Bill No. 1394 was made to conform with Senate Bill No. 1480.

On motion, Senate Bill No. 1480, on same subject, was substituted for House Bill No. 1394.

Mr. Henry moved that Senate Bill No. 1480 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	79
Noes . . . . .	15

Representatives voting aye were: Bell, Bewley, Bragg, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Collier, Covington, Crain, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Jared, Jones, Kent, King, Kisber, Love, May, McCroskey, McNally, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work and Yelton--79.



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Representatives voting no were: Bivens, Chiles, Copeland, Cross, Curlee, DeBerry, Ivy, Kernell, Lawson, McAfee, Miller, Shirley, Stallings, Turner, C. (Shelby) and Mr. Speaker McWherter--15.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos.:

- 368--Relative to commending Robert A. McCommon;
- 369--Relative to honoring Mr. Maurice L. Fulghum;
- 371--Relative to honoring Coach Brien Crowder;
- 372--Relative to honoring Representative Elbert Gill, Jr.;
- 373--Relative to sympathy, Donald Ferrell;
- 374--Relative to honoring John W. Carty, Sr.;
- 375--Relative to honoring J. Kenneth Bailes;
- 376--Relative to commending Willie C. Lewis;
- 377--Relative to appreciation, Michael Starr;
- 378--Relative to declaring "Tennessee Garden Week";
- 381--Relative to honoring Pen Maxwell;
- 382--Relative to honoring Benton Young;
- 383--Relative to honoring Eddie McMillan;
- 384--Relative to honoring Harold and Adeline Shersky;
- 385--Relative to congratulating Coach Ed Wheaton; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No.:

- 380--Relative to thanking Senator Bob Burleson; adopted for

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concurrence.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

The Speaker directed that Senate Joint Resolutions Nos. 368, 369, 371, 372, 373, 374, 375, 376, 377, 378, 380, 381, 382, 383, 384, and 385 be placed on the Consent Calendar.

**CONSENT CALENDAR**

Senate Joint Resolutions No. 368--Relative to commending Robert A. McCommon.

Senate Joint Resolution No. 369--Relative to honoring Mr. Maurice L. Fulghum.

Senate Joint Resolution No. 371--Relative to honoring Coach Brien Crowder.

Senate Joint Resolution No. 372--Relative to honoring Representative Elbert Gill, Jr.

Senate Joint Resolution No. 373--Relative to sympathy, Donald Ferrell.

Senate Joint Resolution No. 374--Relative to honoring John W. Carty, Sr.

Senate Joint Resolution No. 375--Relative to honoring J. Kenneth Bailes.

Senate Joint Resolution No. 376--Relative to commending Willie C. Lewis.

Senate Joint Resolution No. 377--Relative to appreciation, Michael Starr.

Senate Joint Resolution No. 378--Relative to declaring "Tennessee Garden Week".

Senate Joint Resolution No. 380--Relative to thanking Senator Bob Burleson.

Senate Joint Resolution No. 381--Relative to honoring Pen Maxwell.

Senate Joint Resolution No. 382--Relative to honoring Benton Young.

Senate Joint Resolution No. 383--Relative to honoring Eddie McMillan.

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Senate Joint Resolution No. 384--Relative to honoring Harold and Adeline Shersky.

Senate Joint Resolution No. 385--Relative to congratulating Coach Ed Wheaton.

Mr. Naifeh moved that all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes . . . . .	93
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker McWherter--93.

A motion to reconsider was tabled.

**HOUSE BILL ON SENATE AMENDMENTS**

House Bill No. 821--To enact Knoxville Model College Access Program.

**SENATE AMENDMENT NO. 1**

Amend House Bill No. 821 by redesignating Section 5 to be Section 6, and by adding a new Section 5, as follows:

SECTION 5. Expenditures under this act shall be subject to audit by the comptroller of the treasury.

**SENATE AMENDMENT NO. 2**

Amend House Bill No. 821 in Section 4 by adding at the end thereof a new sentence, as follows:

This appropriation is subject to the approval of the commissioner of finance and administration.

Mr. Drew moved that the House concur in Senate Amendments Nos. 1 and 2, which motion prevailed by the following vote:

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Ayes . . . . .	89
Noes . . . . .	0
Present and not voting . . . . .	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Burnett, Byrd, Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Drew, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --89.

Representative present and not voting was: Buck--1.

A motion to reconsider was tabled.

Mr. Wheeler moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 781 out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

House Joint Resolution No. 781--Relative to congratulating Mr. and Mrs. Daniel Cantrell--By Wheeler.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Wheeler, the resolution was adopted.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No.:

370--Relative to adjournment sine die, 94th General Assembly; adopted for concurrence.

Clyde W. McCullough, Jr.,  
Chief Clerk.

Mr. Naifeh moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 370, which motion prevailed.

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Senate Joint Resolution No. 370--Relative to sine die adjournment, 94th General Assembly.

Mr. Naifeh moved that Senate Joint Resolution No. 370 be concurred in, which motion prevailed by the following vote:

Ayes . . . . .	92
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dills, Dixon, Drew, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--92.

A motion to reconsider was tabled.

## FURTHER CONSIDERATION OF HOUSE BILL NO. 1385

House Bill No. 1385--General Appropriations Bill.

Mr. Love moved that the House pass Section 12, Item 43, of House Bill No. 1385, notwithstanding the objections of the Governor.

Mr. Clark (Sumner) moved the previous question, which motion prevailed by the following vote:

Ayes . . . . .	75
Noes . . . . .	10
Present and not voting . . . . .	2

Representatives voting aye were: Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Covington, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Ellis, Frensley, Gafford, Gaia, Garrett, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Love, McCroskey, McNally, Miller, Montgomery, Murphy, Murray, Naifeh, Napier, Patterson, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wood, Work and Yelton--75

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Representatives voting no were: Bewley, Chiles, Duer, Lawson, May,, Moody, Moore, Peroulas, Tankersley and Whitson--10.

Representatives present and not voting were: Collier and Wolfe --2.

Thereupon, Love's motion that the House pass Section 12, Item 43, of House Bill No. 1385, notwithstanding the objections of the Governor, failed by the following vote:

Ayes . . . . .	46
Noes . . . . .	47
Present and not voting . . . . .	1

Representatives voting aye were: Bell, Bivens, Bragg, Brewer, Burnett, Clark (Davidson), Cobb, Covington, Cross, Darnell, Davidson, DeBerry, DePriest, Dixon, Drew, Ellis, Garrett, Hillis, Ivy, Jared, Jones, Kernell, King, Kisber, Love, Miller, Murphy, Murray, Naifeh, Patterson, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Stallings, Starnes, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), West, Wheeler, Winningham, Work and Mr. Speaker McWherter--46.

Representatives voting no were: Bewley, Buck, Byrd, Chiles, Clark (Sumner), Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), Duer, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Hawkins, Henry, Hobbs, Hurley, Huskey, Kent, Lawson, May, McAfee, McCroskey, McNally, Montgomery, Moody, Moore, Nance, Napier, Peroulas, Ridgeway, Robinson (Washington), Scruggs, Severance, Swann, Tankersley, Ussery, Webb, Whitson, Williams, Wix, Wolfe, Wood and Yelton--47.

Representative present and not voting was: Collier--1.

Mr. Wheeler moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 782 out of order, which motion prevailed.

### INTRODUCTION OF RESOLUTION

House Joint Resolution No. 782--Relative to urging TVA to buy more Tennessee coal--By Wheeler, Cross, Winningham and Mr. Speaker McWherter.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Wheeler, the resolution was adopted.

A motion to reconsider was tabled.

### MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill

No.:

239--To provide for alternative schools, certain students.

The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Amendment No. 3, withdrew Amendment No. 3, adopted Amendment No. 4, then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 239--To provide for alternative schools, certain students.

SENATE AMENDMENT NO. 4

Amend House Bill No. 239 by adding a new section after section 2 and by renumbering the following sections accordingly:

Section \_\_\_\_ . Alternative schools provided for in this bill shall be operated under funds currently provided for in the budget of the Department of Education for this purpose.

Mr. Love moved that the House concur in Senate Amendment No. 4, which motion prevailed by the following vote:

Ayes . . . . .	93
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kernell, King, Kisber, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

A motion to reconsider was tabled.

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**ENGROSSED BILLS**

**MR. SPEAKER:**

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill No. 2077; and House Joint Resolutions Nos. 763, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781 and 782; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Joint Resolutions Nos.:

763--Relative to extending appreciation to Ned McWherter, service as Speaker;

765--Relative to welcoming Ezra Taft Benson;

767--Relative to honoring Victoria Sternebring;

768--Relative to commending Jo Ann Neely;

769--Relative to memory, Johnella H. Martin;

770--Relative to memory, Robert T. Butler, Jr.;

771--Relative to honoring Ralph N. Moore;

772--Relative to memory, "Mister Jim" Abel of Dayton;

773--Relative to congratulating Representative Bill Covington;

774--Relative to commending employees, House Clerk's Office;

775--Relative to commending certain legislative employees;

776--Relative to commending employees, Office of Legal Services;

777--Relative to honoring Frewl Buffalo;

778--Relative to urging Congress to retain certain tax law;

779--Relative to restoring federal funding, Cooperative Extension Programs;

780--Relative to House Joint Resolution No. 757;



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781--Relative to congratulating Mr. and Mrs. Daniel Cantrell;

782--Relative to urging TVA to buy more Tennessee coal; all concurred in by the the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

770--To enact Fair Dealership Act;

1487--To make certain provisions, volunteer fire departments;

2077--To amend Chapter 815, Private Acts 1917; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**RECESS**

Mr. Naifeh moved that the House stand in recess for a special recognition for Mr. Speaker McWherter, which motion prevailed.

Mr. Naifeh and Mr. Henry requested that Mr. Speaker McWherter join them in the well of the House.

Mr. Speaker McWherter relinquished the Chair to Mr. Bivens, Speaker pro tem.

**SPECIAL CEREMONY HONORING SPEAKER**

The Sergeants-at-Arms escorted the following special guests to the well of the House:

Governor Lamar Alexander

Lieutenant Governor John Wilder

Mr. Cletus McWilliams

Mr. William R. Snodgrass

Mr. Gentry Crowell

Mr. Harlan Mathews

Miss Alice Yeager

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Mr. Speaker pro tem Bivens recognized Mr. Naifeh for brief remarks.

Mr. Speaker pro tem Bivens recognized Mr. Henry for brief remarks.

Mr. Speaker pro tem Bivens recognized Lieutenant Governor Wilder for brief remarks.

Mr. Speaker pro tem Bivens recognized Mr. Comptroller Snodgrass, on behalf of the Constitutional Officers, for brief remarks.

Mr. Speaker pro tem Bivens recognized Miss Alice Yeager, on behalf of the employees of the House of Representatives, for brief remarks.

Mr. Speaker pro tem Bivens recognized Mr. Cletus McWilliams, on behalf of the Supreme Court and the Judicial Branch of Government, for brief remarks.

Mr. Speaker pro tem Bivens presented the Honorable Lamar Alexander, Governor, for brief remarks.

Mr. Speaker pro tem Bivens presented Mr. Speaker McWherter, who addressed the General Assembly and guests and follows:

### **REMARKS BY MR. SPEAKER McWHERTER**

Thank you very much. Ladies and Gentlemen, I hope Lamar and Jim and my other colleagues know that I'm filming commercials today.

I'm like Elbert Gill was this morning. I'm at a loss for words, but I do have a few brief remarks that I'd like to make. It may be my last opportunity here. Some of the members of the House have been contemplating my being a "Lame Duck" for the last eight or ten weeks. I keep telling them I'm not. Remember, ladies and gentlemen, you changed the Constitution a few years ago, and whatever happens to me, I'll be back to convene this House in January to help you elect a new Speaker. Therefore, this is the last day I'll ever preside over the Tennessee House of Representatives.

I see a lot of people in the galleries. I see some young people up there in the galleries, and I'm sure proud they've here. I see employees all around this chamber, and members that I've served with in the past, my colleagues in the House and Senate serving in this General Assembly. I appreciate your presence today.

About fourteen years ago, the members of this House took a chance, and they elected a young two-term legislator from West Tennessee as Speaker. I recall those days well -- I barely won. Some people wondered, silently and out loud, if that was a mistake. I truly and sincerely hope it was not. Over these fourteen years, I've stood right here and watched this House, along with our colleagues in

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the Senate, change the shape of Tennessee. I've stood here and I've watched us improve our schools and our universities. We've built a health care system for our poor. We've built billions and billions of dollars of roads and bridges. We've made commitments to clean air and water for our children and for future generations. And we've done this all responsibly. As Mr. Snodgrass pointed out, we did it with balanced budgets annually.

You know there are some people that would give me all the credit for this in the House for a few years, but I'd like to clear up the record today as I leave this Chamber. I believe that we've set the stage for Tennessee to become the leading state in this nation between now and the turn of the century. We have accomplished all these things because, after the elections, and this has always been important to me, Democrats and Republicans, urban and rural, were all willing to come together to do the responsible thing at the right time.

I've stood here and presided over this House and seen the members work ten long hours for day after day. We've gotten mad, I've been challenged in the Chair, we've fussed a little, and we've even fought. I can remember a little fight up here one day on the floor. But in the end, I always knew I could count on each and every member of this House to do what needed to be done, and for this, and for your compliance when I've asked you for order, I'll always be grateful.

I couldn't leave this Chamber without a few personal remarks to some of the people that have really helped me over the years.

To the members of my party -- and I'm proud of my party -- you've been loyal, you've been hard-working, and you've been men and women who've made me proud to be a Democrat.

To the members of the Republican Party, my friends -- you've sometimes disagreed, but you've been responsible, and you've never tried to obstruct the work that goes on in this House in partisanship, and I thank you for that.

To Alice and the employees that have always worked for me -- one simple message: Thank you, I love you all.

To the Constitutional Officers, my friends -- I grew up in politics with all three of you. Thank you for your encouragement, support and wise counsel.

To Cletus McWilliams -- he was probably the sorriest pro tem we ever had in this House. (laughter). He locked the doors, the sergeant-at-arms came after me and said, "You've gotta go straighten that place out," and I said, "Just get rid of that little Marine up there, and you'll get it working alright." (laughter). Cletus, my appreciation to the Court, and thank you for coming, and thank you for your friendship.

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To my good friend, Lieutenant Governor John Wilder, and all the members of the Senate -- I can't ever remember a time when I thought something was really important, that I went over to the Senate, and I didn't find the Senators ready to help. I'm grateful for that, and I thank you. All the Senate, together with the House, have been equal partners in everything we've accomplished over the last fourteen years.

To Governor Alexander -- you've been a good Governor, and I'm proud to have served with you. More than that, you've been a gentleman. And the Governor referred earlier in his remarks that we had an understanding about eight years ago. I said, "Governor, if we fight, fuss, disagree, talk about each other, or talk about our friends, I don't want to ever hear you stand on the tailgate of a pickup truck in some rural community and talk about me, or tell it, and I won't either." Governor Lamar Alexander has lived up to that understanding, and we've been able to have our free, competitive discussions and debates. I'm really proud of that, because that's the way the system works. As I explained to one of our members one day, that's the process. He has never betrayed my trust, and I've never betrayed his trust. He's never lied to me, or knowingly misrepresented anything to me, and I thank you, and your administration, for being my friends.

Finally, to my friends in the Press -- and I do have another name that I occasionally use for some of you that have some length of service here. But I'll refrain from that today. There have been times when I really wanted to clean these cages out up here -- I built these cages, you know, and I really wanted to clean them out -- but in truth, I believe you've worked hard. I believe you've been informed, and I believe you've been more fair in reporting on me as Speaker and the members of this House.

Ladies and Gentlemen, I've presided over this House for more than 1250 times, that's more than 1250 days. When I step down from this podium, I'll leave few regrets. Yes, I've made some mistakes. I'd change some votes that I've made over the years.

But I think that I'll be able to look back on my service knowing that I've fulfilled three simple goals that I had as Speaker of the Tennessee House of Representatives. I helped make this Legislative Branch, along with all of you in the House and Senate, an equal branch of government. I helped make this body more democratic, and to my Republican friends, I'm referring to small d's. As I look over this body now, I see leaders in the House who are men and women, who are black and white, who are from urban areas and rural areas. We opened up the House to the democratic process.

Finally, if they remember nothing else about me when I'm gone, I hope they will say that I was honest, that I was open, and that I always tried to be fair.

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I'm not too much on these emotional farewells, so I'll conclude by saying I just want each of you to know that I am a great big fellow in stature, but I'm not too big to tell you how much you mean to me, and the way I have been taught all my life to express this is that I love each and every one of you, and that I'm leaving here with no regrets, the best of memories, the best friendships any man could ever have.

I say to you --

GOODBYE . . . . .

GOOD LUCK . . . . .

AND GOD BLESS YOU ALL.

Mr. Naifeh announced that at the conclusion of today's session, there would be a reception in the Great Hall honoring Mr. Speaker McWherter and the members of his family.

Mr. Speaker pro tem Bivens directed the Sergeant-at-Arms to escort the special guests to the rear of the Chamber.

Mr. Speaker pro tem Bivens declared the House in session.

Mr. Naifeh moved that the roll call be dispensed with, which motion prevailed.

Mr. Speaker McWherter resumed the Chair.

**SENATE REPORTED READY TO ADJOURN**

Senator Davis, Chairman; Senators Hicks and Longley, notified the House that the Senate had completed its business for this session and was ready to adjourn sine die.

**SECOND ROLL CALL**

A roll call was taken with the following results:

Present . . . . . 96

Representatives present were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings,

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Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

### **INTRODUCTION OF RESOLUTIONS**

House Joint Resolution No. 766--Relative to study, foster care reimbursement by state--By Starnes.

House Resolution No. 184--Relative to study, foster care reimbursement by state--By Starnes.

The Speaker referred House Joint Resolution No. 766 and House Resolution No. 184 to the Committee on Calendar and Rules.

### **RESOLUTIONS LYING OVER**

House Resolution No. 174--Relative to establishing study committee, mental health.

House Joint Resolution No. 717--Relative to the relocation, Navajo and Hopi Indians.

Senate Joint Resolution No. 203--Relative to study, rehabilitation program, workers' compensation.

Senate Joint Resolution No. 270--Relative to study, community, community grant programs.

Senate Joint Resolution No. 297--Relative to certain attendance policies, special school employees.

Senate Joint Resolution No. 299--Relative to group homes, mentally ill persons.

Senate Joint Resolution No. 302--Relative to study acquired immune deficiency syndrome.

Senate Joint Resolution No. 305--Relative to study, mental health institutes and services.

Senate Joint Resolution No. 345--Relative to study, private security guards.

Senate Joint Resolution No. 360--Relative to independent study, certain trade policies.

The Speaker referred House Resolution No. 174; House Joint Resolution No. 717; and Senate Joint Resolutions Nos. 203, 270, 297, 299, 302, 305, 345 and 360 to the Committee on Calendar and Rules.

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**SELECT COMMITTEE APPOINTMENTS**

The Speaker announced that he had appointed the following committee to notify the Senate that the House had completed its business for this session and was ready to adjourn sine die: Representatives Ridgeway, Chairman; Turner, L. (Shelby), Williams, Patterson and Gafford.

The Speaker announced that he had appointed the following committee to notify the Governor that the House had completed its business for this session and was ready to adjourn sine die: Representatives Ivy, Chairman; West, DeBerry, Davis (Knox) and Covington.

**REPORTS OF SELECT COMMITTEES**

Representative Ridgeway advised the House that the Senate had been notified that the House had completed its business for this session and was ready to adjourn sine die.

Representative Ivy advised the House that the Governor had been notified that the House had completed its business for this session and was ready to adjourn sine die, and that the Governor stated he had no further communications to transmit to the House.

**ARTICLE III, SECTION 18**

All bills and joint resolutions presented to the Governor subsequent to May 2, 1986, being within ten days of the adjournment of the Second Regular Session of the Ninety-fourth General Assembly, prevents the return of said bills and joint resolutions to the House within the ten day period, and accordingly, the final action taken by the Governor will be filed by him in the Secretary of State's Office, all in compliance with Article III, Section 18, relating to the Governor's veto power, of the Constitution of the State of Tennessee.

**JOURNAL APPROVED**

On motion of Mr. Naifeh, the Journal of the House of Representatives and the proceedings thereof were approved from the Fifty-sixth through the Ninety-first Legislative Day of the Second Regular Session.

Thereupon, in accordance with Senate Joint Resolution No. 370, Mr. Speaker McWherter declared the House of Representatives of the Ninety-fourth General Assembly adjourned sine die.

Ned McWherter, Speaker  
House of Representatives.

ATTEST:

BRYANT MILLSAPS, Chief Clerk  
House of Representatives

**WEDNESDAY, MAY 14, 1986--91st LEGISLATIVE DAY**

**BILLS AND RESOLUTIONS ENROLLED, SIGNED  
AND TRANSMITTED TO GOVERNOR  
SUBSEQUENT TO ADJOURNMENT SINE DIE**

**MAY 15, 1986**

**ENROLLED BILLS**

**MR. SPEAKER:**

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 239, 770, 821, 1487 and 2077; House Resolutions Nos. 187, 188, 189, 191, 192 and 193; and House Joint Resolutions Nos. 725, 765, 767, 769, 772, 774, 776, 778, 779 and 780; and find same correctly enrolled and ready for the signatures of the Speakers.

**MARILYN EVELYN HAND,  
Chief Engrossing Clerk.**

**MAY 19, 1986**

**ENROLLED BILLS**

**MR. SPEAKER:**

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolutions Nos. 185, 186, 190 and 194; and House Joint Resolutions Nos. 763, 768, 770, 771, 773, 775, 777, 781 and 782; and find same correctly enrolled and ready for the signatures of the Speakers.

**MARILYN EVELYN HAND,  
Chief Engrossing Clerk.**

**SIGNED**

The Speaker announced that he had signed the following: House Bills Nos. 239, 770, 821, 1487 and 2077; House Joint Resolutions Nos. 725, 763, 765, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781 and 782; and House Resolutions Nos. 185, 186, 187, 188, 189, 190, 191, 192, 193 and 194.

**MAY 21, 1986**

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Joint Resolutions Nos. 274, 328, 365, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384 and 385; also, Senate Bill No. 1480; all for the signature of the Speaker.

**CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.**



**WEDNESDAY, MAY 14, 1986--91st LEGISLATIVE DAY**

**SIGNED**

The Speaker announced that he had signed the following: Senate Bill No. 1480; and Senate Joint Resolution Nos. 274, 328, 365, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384 and 385.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 239, 770, 821, 1487 and 2077; also, House Joint Resolutions Nos. 725, 763, 765, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781 and 782; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MAY 22, 1986**

**REPORT OF CHIEF ENGROSSING CLERK**

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 239, 770, 821, 1487 and 2077; and House Joint Resolutions Nos. 725, 763, 765, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781 and 782; for his action.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

**MESSAGES FROM GOVERNOR TO SECRETARY OF STATE**

**MAY 22, 1986**

MR. SECRETARY OF STATE:

I am directed by the Governor to return herewith: House Joint Resolution No. 771, with his approval.

ERNEST PELLEGRIN,  
Counsel to the Governor.

**MAY 29, 1986**

MR. SECRETARY OF STATE:

I am directed by the Governor to return herewith: House Bills Nos. 239, 770, 821, 1487 and 2077; and House Joint Resolutions Nos. 725, 757, 763, 765, 767, 768, 769, 770, 772, 773, 774, 775, 776, 777,

**WEDNESDAY, MAY 14, 1986--91st LEGISLATIVE DAY**

780, 781 and 782; with his approval.

ERNEST PELLEGRIN,  
Counsel to the Governor.

**JUNE 4, 1986**

**MR. SECRETARY OF STATE:**

I am directed by the Governor to return herewith: House Joint Resolutions Nos. 778 and 779, without his signature.

ERNEST PELLEGRIN,  
Counsel to the Governor.

Dear Mr. Crowell:

I am returning House Joint Resolution 778 without my signature. It is my general practice to permit resolutions expressing the opinions of the General Assembly to Congress to become law without my signature.

Sincerely,

Lamar Alexander

Dear Mr. Crowell:

I am returning House Joint Resolution 779 without my signature. It is my general practice to permit resolutions expressing the opinions of the General Assembly to Congress to become law without my signature.

Sincerely,

Lamar Alexander

House Joint Resolutions Nos. 778 and 779 become effective without the Governor's signature, as authorized by Article III, Section 18 of the Constitution of the State of Tennessee.